

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

REPUBLIC FRANKLIN INSURANCE COMPANY,

Plaintiff,

v.

ALBEMARLE COUNTY SCHOOL BOARD,

Defendant.

CIVIL ACTION No. 3:10-cv-00007

ORDER

NORMAN K. MOON

SENIOR UNITED STATES DISTRICT JUDGE

For the reasons stated in the accompanying memorandum opinion, and as stated on the record at the hearing on the parties' cross-motions for summary judgment, Plaintiff's motion for summary judgment (docket no. 21) was GRANTED, and Defendant's motion for summary judgment (docket no. 24) was DENIED. Accordingly, it is DECLARED that Plaintiff, Republic Franklin Insurance Company, owes no duty to defend or indemnify Defendant, the Albemarle County School Board, in the underlying Fair Labor Standards Act case filed in this court, *Cieslewitz, et al. v. Albemarle County School Board*, Civil Action No. 3:10-cv-00002. There being no issues remaining in this action, this matter shall be TERMINATED and STRICKEN from the court's active docket.

The Clerk of the Court is directed to send a certified copy of this order and the accompanying memorandum opinion to all counsel of record.

It is so ORDERED.

Entered this 23rd day of July, 2010.



NORMAN K. MOON

SENIOR UNITED STATES DISTRICT JUDGE